



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

US EPA RECORDS CENTER REGION 5



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*Williamsburg rec.
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DEQ

STEVEN E. CHESTER
DIRECTOR

February 24, 2005

CERTIFIED MAIL 7001 1140 0003 6467 9739

Mr. Chris Hubbell
Williamsburg Receiving and Storage
10190 Munro Road
Williamsburg, Michigan 48690

FEB 28 2005

Dear Mr. Hubbell:

SUBJECT: Demand for Stipulated Penalties WMD Order No. 31-07-02

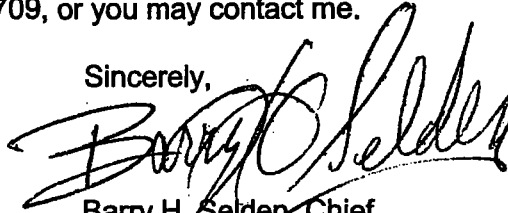
On August 16, 2002, the Department of Environmental Quality (DEQ) and Williamsburg Receiving and Storage, LLC (WRS) entered an Administrative Consent Order (ACO), WMD Order No. 31-07-02, to resolve alleged violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, at the WRS facility.

On October 27, 2004, staff of the DEQ, Air Quality Division (AQD), inspected the WRS facility and observed nuisance odors in violation of 2002 Annual Administrative Code Supplement Rule 336.1901. WRS was notified of the violation in a November 15, 2004 Letter of Violation. Paragraph 4.1.b(5) of the ACO states in part: "By October 1, 2002, WRS shall not emit nuisance odors at the Facility. Any nuisance odor verified by the DEQ's Air Quality Division beyond WRS's property line after October 1, 2002, shall subject WRS to stipulated penalties as set forth in Paragraph 8.3 of this Consent Order." The nuisance odor verified by the AQD is in violation of paragraph 4.1.b(5) of the ACO. In accordance with paragraph 8.3 of the ACO, stipulated penalties in the amount of \$1,500 have accrued for this violation of the ACO. Paragraph 4.1.a(1) of the ACO states in part: "Immediately upon the effective date of this Consent Order, WRS shall cease all groundwater discharges from the Facility and shall cease the placement of cherry processing wastewaters into the wastewater storage lagoon. No further discharges shall occur to groundwater until WRS applied for and obtains a reissuance of the Groundwater Permit authorizing the discharge of all process wastewaters proposed for discharge." Paragraph 4.1.a(5) requires that WRS fully comply with its storm water permit. On January 22, 2003, WRS was issued Certificate of Coverage MIS510606 under National Pollutant Discharge Elimination System (NPDES) General Permit No. MIS519000 (General Permit). Part 1.D.3 of the General Permit requires that the discharge of material other than storm water must be in compliance with an NPDES permit (other than the General Permit) issued for such discharge. On July 27, 2004, DEQ staff observed water flowing from a pipe leading from the WRS property to the road side ditch along Munro Road. Staff observed that this discharge consisted of receiving water used to hold cherries after harvest that was ultimately released to the storm water collection basins from where it flowed to the roadside ditch. Based upon information provided by WRS's counsel, Mr. Joseph Quandt, on February 15, 2005, cherry receiving water was discharged on July 26 and July 27, 2004. The discharge of cherry receiving water in this manner is in violation of paragraphs 4.1.a(1) and (5) of the ACO. In accordance with paragraph 8.3 of the ACO, stipulated penalties in the amount of \$3,000 have accrued for this violation.

Stipulated penalties in the amount of \$4,500 have accrued for the above noted violations of the ACO. In accordance with paragraph 8.3 of the ACO, the DEQ hereby makes a demand for payment of the accrued stipulated penalties in the amount of \$4,500. The accrued stipulated penalties must be paid no later than March 28, 2005.

If you have any questions, please contact Mr. Rick Rusz, Enforcement Unit, Field Operations Division, Water Bureau, at 517-335-4709, or you may contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry H. Selden", written over a horizontal line.

Barry H. Selden, Chief
Enforcement Unit
Field Operations Division
Water Bureau
517-373-6437
FAX: 517-373-2040

cc: Mr. Joseph Quandt, Zimmerman, Kuhn, Darling, Boyd, Taylor and Quandt
Mr. Robert Reichel, Department of Attorney General
Mr. Michael Stifler, DEQ
Mr. Rick Rusz, DEQ
Ms. Janice Heuer, DEQ